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**By ECF and EMAIL**

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Hon. Philip M. Halpern, U.S.D.J.  
United States Courthouse  
300 Quarropas Street  
White Plains, NY 10601

As noted in the Third Amended Civil Case Discovery Plan and Scheduling Order, which will be docketed separately today, the close of expert discovery is extended to July 12, 2021.

The Clerk of the Court is respectfully directed to terminate the motion sequence pending at Doc. 34.

SO ORDERED.

A handwritten signature of Philip M. Halpern in black ink.

Philip M. Halpern  
United States District Judge

Dated: White Plains, New York  
April 22, 2021

Re: **REQUEST TO CLARIFY APRIL 19, 2021 DOCKET ENTRY**  
*Ronald Johnston v. New York Power Authority; 7:20-cv-04224-PMH*

Dear Judge Halpern:

Please be advised that my firm represents defendant New York Power Authority in the above-referenced action. Counsel for both parties attempted to contact Your Honor's Chambers yesterday to request clarification of Your Honor's April 19, 2021 order (ECF Dkt. No. 33) and a corresponding April 19, 2021 docket entry. The April 19 Order granted the Defendant's April 16, 2021 motion to extend the current June 4, 2021 expert discovery deadline in Paragraph 6(a) of the Second Amended Civil Case Discovery Plan and Scheduling Order, dated March 4, 2021, to July 12, 2021, but the April 19 docket entry lists, and a follow-up email states, that June 4, 2021 remains the deadline for the completion for expert discovery.

As counsel for the parties are assuming that the April 19 docket entry is incorrect and that the correct end date for expert discovery is July 12, as the April 19 Order provides, the parties are jointly filing a Third Amended Civil Case Discovery Plan and Scheduling Order later today using the dates requested in the Defendant's April 16<sup>th</sup> motion. If the dates requested in Defendant's April 16<sup>th</sup> motion are not acceptable, the parties jointly request clarification from the Court as to the correct expert discovery deadline date, which would also affect the Discovery Completion date in Paragraph 8 of the Second Amended Civil Case Discovery Plan and Scheduling Order.

This will confirm that the undersigned have met and conferred with Plaintiff's counsel as to the requested extensions and they have consented to the same. Thank you for your consideration of this extension request.

Respectfully submitted,

BLEAKLEY PLATT & SCHMIDT, LLP

A handwritten signature of Joseph DeGiuseppe, Jr. in black ink, with the name 'Joseph DeGiuseppe, Jr.' printed below it.

cc: Michael R. Gordon, Esq. (via ECF and Email)